



# COMMONWEALTH of VIRGINIA

## Department of General Services

Division of Purchases and Supply

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**Subject:** Utilization of DPS Contracts by Private Institutions of Higher Education.

In accordance with the *Code of Virginia* §2.2-1120(D), Private Institutions of Higher Education may utilize contracts that were established by the Division of Purchases and Supply (DPS) for use by state agencies and public bodies, **only** if all the requirements stated below are met. The validity to meeting this *Code* requirement is neither subject to alternate interpretation nor amendable by any other source.

It is the institution's responsibility to acquire and provide all evidence of compliance. If you need assistance determining if you meet the requirements of §2.2-1120(D), please contact your legal representative, financial division, or other applicable authority such as the IRS, Council of Independent Colleges in Virginia (CICV), or the VA State Corporation Commission (SCC). DPS does not certify institutions or make any determinations.

Interested institutions must meet all of the following;

- 1) The Private Institution of Higher Education must be chartered in Virginia. The use of the phrase "chartered in Virginia" in §2.2-1120(D) means it only covers institutions of higher education that were established, formed or founded in Virginia. Please be aware that having a presence or certification to operate in Virginia does not affirm the institution is chartered in Virginia.
- 2) The Private Institution of Higher Education chartered in Virginia must be granted tax-exempt status under §501(c)(3) of the Internal Revenue Code. Subsection Code "(3)" must clearly be shown on your IRS Determination Letter. Alternate IRS status codes, such as 501(c)(0), 501(c)(1) or 501(c)(2) or Group codes, **do not** meet the requirement of §2.2-1120(D).
- 3) The institution's identity shown on the articles of incorporation (charter) information, IRS Determination Letter and Purchase Order must match. This includes the institution Name, EIN/FIN number and address. For example, you may not combine documentation for different departments, alumni's or foundations in order to meet all the requirements stated herein.

**For institutions meeting requirements 1 through 3 above that are permitted to use eVA:** Issue the Purchase Order through eVA according to the Ordering Instructions stated on the Contract. Attach your proof of compliance electronically to the eVA order. Confirm the order with the Vendor. Do not send to DPS.

**For institutions meeting requirements 1 through 3 above that are not eligible to use eVA:** Submit an eVA waiver request, accompanied by your proof of compliance, to the DPS Contract Officer listed on the DPS Contract. If approved, DPS will issue the institution written authorization to issue their own Purchase Order in lieu of using eVA.

DPS will not be responsible for contractual issues arising from contract purchases made by Private Institutions of Higher Education.